

MARYLAND DEPARTMENT OF JUVENILE JUSTICE

Unit or Area: Residential and Field Services

Policy Number: .02.09.13

Subject: Use of Force

Effective Date: 2/18/2000

(Supercedes and rescinds all prior use of force policies, including policy N^o .09.13F)

Approved: _____



Review Cycle: 1 Year

I. POLICY: The Department of Juvenile Justice is committed to providing a safe and secure environment both for its staff and for youth in its care and custody. The Department also recognizes its responsibility to protect community safety by preventing escapes from its facilities. Physical force may only be used to prevent injury to oneself or others, and then only as a last resort. Every use of force incident must be documented and reviewed by appropriate supervisors. Physical force may never be used as a form of punishment.

II. AUTHORITY: Annotated Code of Maryland, Article 83C, §§ 2-104 and 2-118; COMAR 16.05.02.

III. DEFINITIONS: In this policy, the following terms have the meanings indicated:

Escape from confinement means an escape from a juvenile detention center or a facility for juveniles listed in Article 83C, § 2-117(a)(2) of the Code.

Restraint means a mechanical device or a chemical agent which, when used, limits movement of a youth's body or temporarily disables the youth.

Use of Force means physical contact with a youth to control behavior. Use of force includes use of restraint.

IV. PROCEDURES FOR RESIDENTIAL SERVICES STAFF

A. Use of force is only authorized when necessary, there is imminent danger, and when other lesser alternatives are not suitable or reasonably sufficient.

1. Staff shall utilize the following levels of intervention prior to any use of force:

- a. Attempt to change negative behavior through non-verbal gestures or other signals.
- b. Seek to verbally de-escalate the situation in a polite and cordial manner.
- c. Attempt to verbally de-escalate the situation in a firm manner, using stronger voice levels and gestures.
- d. If possible, a brief (ten to fifteen minute) time out separating a youth from contact with other youth. A time out need not involve room seclusion, only removal from a conflict situation.

2. When necessary, staff shall obtain the assistance of other staff and supervisors. Time permitting, the supervisor or other appropriate staff member shall assess the situation and attempt to reason with the youth. Other staff who may be called to attempt to reason with the youth include medical, social work, or mental health professionals.

3. In order to minimize the risk of injury to both youth and staff, whenever possible a sufficient number of Youth Supervisors shall be employed for any use of force.
- B. Use of force by staff is permitted only:
1. To protect the youth from harming himself or herself or others;
 2. For self defense;
 3. To prevent an escape from confinement;
 4. To prevent serious property damage;
 5. To prevent the commission of a crime; or
 6. To remove a youth from an area where he or she is creating a serious disruption.
- C. When it is necessary to use force, only the minimum amount of physical force necessary to control the youth may be used.
1. The use of a firearm or other deadly force is strictly prohibited.
 2. Physical force may never be used as a form of punishment.
- D. A facility or transportation employee may apply a restraint to a youth only for:
1. The protection of the youth or other individuals;
 2. For self defense;
 3. Secure transportation; or
 4. The prevention of escape from confinement.
- E. All incidents involving the use of force shall, immediately after the incident, be reported to the facility health professional who shall promptly examine the youth. Appropriate medical attention shall be provided without delay.
- F. If physical force of any kind is used, staff shall immediately notify his or her supervisor and, before the end of the employee's shift, provide the Superintendent with a signed and dated, "Use of Force Report" (Attachment "A") which details:
1. The behavior of the youth and how it presented an imminent danger to the youth, other youth, staff, or the security of the facility;
 2. The alternatives which were attempted or an explanation of why alternatives were not reasonably available;

3. The exact nature of the force used and why it was the minimum amount of force necessary;
 4. Any injuries sustained by anyone involved and the medical attention sought for those injuries
 5. All youth, staff, or other persons who were involved in or witnesses to the use of force; and
 6. The date, time, and exact location of the incident.
- G. Every use of force shall be recorded in the appropriate facility and unit logbooks, and a copy of the Use of Force Report shall be placed in the youth's base and unit files. Copies of the Use of Force Report shall also promptly be sent to the Assistant Secretary for Residential Services and the Inspector General.
- H. Any employee having knowledge of an unreported use of force shall immediately report that information to the Superintendent.
- I. Whenever there is reasonable cause to believe that inappropriate or excessive force was used, the incident shall be fully investigated by the Inspector General and, if appropriate, reported to the appropriate law enforcement authorities pursuant to the Department's Child Abuse Reporting Policy.
- J. The use of inappropriate or excessive force may be grounds for termination of employment.
- K. Each facility shall develop written facility specific procedures for the use of force, and provide copies of that policy to each employee. Facility policies shall be subject to prior approval by the Deputy Secretary.
- L. Whenever physical force is used the youth's parents or guardian shall be promptly notified.

V. PROCEDURES FOR FIELD SERVICES STAFF:

- A. Employees should anticipate the need for the use of force and attempt to avoid those situations.
- B. When the need for restraint is anticipated, assistance from law enforcement or DJJ transportation officers should be arranged. Restraint may never be used as punishment.
- C. When a youth under the supervision of the Department becomes violent in the presence of a member of the Field staff, that employee shall:
1. Seek assistance from law enforcement authorities if possible.
 2. If law enforcement authorities are unavailable and the youth presents an imminent danger of harming his or her self or others, or causing serious property damage, seek the assistance of other Field staff.
 3. Ensure that only the minimum force necessary to prevent personal injury or serious property damage is used, and only for the minimum time necessary to prevent personal injury or significant property damage.
 4. Seek immediate medical treatment for injuries sustained by any youth or staff.

5. If physical force of any kind is used, immediately notify his or her supervisor and, before the end of the work day, provide the Area Director with a signed and dated, "Use of Force Report" which details:
 - a. The behavior of the youth and how it presented an imminent danger to the youth, other youth, staff, or the public;
 - b. The alternatives which were attempted or an explanation of why alternatives were not reasonably available;
 - c. Efforts made to contact law enforcement authorities or other members of the Field staff;
 - d. The exact nature of the force used and why it was the minimum amount of force necessary;
 - e. Any injuries sustained by anyone involved and the medical attention sought for those injuries;
 - f. All youth, staff, or other persons who were involved in or witnesses to the use of force; and
 - g. The date, time, and exact location of the incident.
- D. Copies of the Use of Force Report shall also promptly be sent to the Assistant Secretary for Field Services and the Inspector General.
- E. Any employee having knowledge of an unreported use of force shall immediately report that information to the Area Director.
- F. Whenever there is reasonable cause to believe that inappropriate force was used, the incident shall be fully investigated by the Inspector General and, if appropriate, reported to the appropriate law enforcement authorities pursuant to the Department's Child Abuse Reporting Policy.
- G. The use of inappropriate or excessive force may be grounds for termination of employment.
- H. When a member of the Field staff is transporting a child and the child attempts to run away, or indicates his or her intention to run away, the Field staff member shall:
 1. Attempt to verbally dissuade the child from running.
 2. Use force only if necessary to protect the child or others from imminent danger.
 3. Immediately report a runaway to the appropriate law enforcement authority.
- I. Whenever physical force is used the youth's parents or guardian shall be promptly notified.

USE OF FORCE REPORT

Date and Time of Incident: _____

Location: _____

Juvenile(s) involved: _____

Staff involved: _____

Other witnesses: _____

Description of Incident

Law Enforcement Contacted?

YES

NO

Description of De-escalation Efforts Made:

Type of Restraint or Seclusion Used:

Reason Restraint or Seclusion Necessary:

Approval for Restraint Given By: _____
Title: _____ Date: _____

Parent/Guardian Notified By: _____
Name of Parent/Guardian Notified: _____ Date/Time: _____

Injuries Sustained by Juvenile(s):

Name: _____ Injury Sustained: _____

Injuries Sustained by Staff:

Name: _____ Injury Sustained: _____

Name of Facility Health Professional Notified: _____

Date and Time of Notification: _____

Medical Treatment Received by Juvenile: _____

Medical Treatment Received by Staff: _____

Form Completed By: _____

Print Name

Date

Signature

copies of completed form are to be given to:

Superintendent
Deputy Secretary
Assistant Secretary
Inspector General
Area Director (if applicable)
Immediate Supervisor of Staff involved
Health Administrator
Youth's Base and Unit Files